

### **REMARKS**

Initially, Applicant expresses appreciation to the Examiner for the courtesies extended during the recent in-person interview held with Applicant's attorney. Reconsideration and allowance for the above-identified application are now respectfully requested.

The Office Action, mailed October 23, 2006, considered and rejected claims 1-35. Claims 28-30 were rejected under 35 U.S.C. § 101 as being drawn to non-statutory subject matter. Claims 11, 15, 16 and 34 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite.<sup>1</sup> Claims 1-26 and 28-34 were rejected under 35 U.S.C. § 102(e) as being unpatentable in view of *Thomas* (U.S. Publ. No. 2002/0042920). Claim 27 was rejected under 35 U.S.C. § 103(a) as being unpatentable in view of *Thomas* (U.S. Publ. No. 2002/0042920) and *Rodriguez* (U.S. Publ. No. 2006/0026665). Claim 35 was rejected under 35 U.S.C. § 103(a) as being unpatentable in view of *Thomas* (U.S. Publ. No. 2002/0042920) and *Sai* (U.S. Patent No. 6,822,661).<sup>2</sup> Additionally, claims 1, 17, 31, and 35, as well as the specification, were objected to for informalities which have been corrected by this Amendment.

As reflected in the above claim listing, claims 1, 2, 8, 11, 17, 27, 28, 31, 34 and 35 have been amended, claim 26 cancelled, and claim 36 added.<sup>3</sup> Accordingly following this paper, claims 1-25 and 27-36 are pending, of which claims 1, 8, 28 and 31 are the only independent claims at issue.

As discussed during the interview, Applicant's invention generally relates to methods and computer program products for providing access to video programming and video content information about the video programming. As reflected in independent claim 1, for example, a processing device receives video content information associated with video programming that is scheduled to be broadcast and displays, at the display device, a first interface image that presents the video content information for a particular video program. The first interface image is linked to other interface images associated with supplemental content information for the particular

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<sup>1</sup> In view of the claim amendments above, and as discussed during the interview, Applicant respectfully submits that the rejections under 35 U.S.C. §§ 101 and 112 are overcome and now moot.

<sup>2</sup> Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

<sup>3</sup> Support for the amendments can be found throughout Applicant's original application, including, by way of example and not limitation, the disclosure relating to Figure 3.

program and, in response to viewer input, a second interface image that presents supplemental content information is displayed, and includes supplemental content information for the particular video program and which is related to a specified category of video content information. Within that second interface image, search functionality, such as a search link is included to allow a user to search the video programming for one or more other video programs.<sup>4</sup>

While *Thomas* is generally related to providing supplemental content information for on-demand media, it fails to disclose or suggest every aspect of Applicant's inventions as recited in the above claims. For example, among other things, *Thomas* fails to disclose or suggest a system in which a second interface image that presents supplemental content information about a particular video program also includes search functionality for identifying other video programs, as recited in combination with the other claim elements.

In particular, *Thomas* discloses a system in which a main menu is displayed to provide a viewer access to a variety of settings and features for viewing on-demand content. (¶ 75; Fig. 5). The main menu display includes various viewer services options, including, options for a personal video recorder, an option to access messages, parental control settings, a favorites option, a program listing option, and a program search option. (¶¶ 76, 77; Fig. 5). Using the main menu, a viewer may request additional interfaces, such as an electronic program guide, from which the user may identify programs of interest. An interface can then be called up for such programs of interest to include synopsis information (Fig. 9 and related text), actor interviews (Figs. 11-13 and related text), information on cast members and other films in which the cast was involved (Figs. 11, 14 and 15 and related text), interactive trivia games related to the selected video (Figs. 11, 16 and 17 and related text), music videos (Figs. 11, 18 and 19 and related text), and related links such as links to sites from which a DVD or VHS copy of the video can be purchased (Figs. 19 and 20 and related text).

Accordingly, *Thomas* discloses that various links are included on interfaces displaying information about a particular video; however, a search option is included only in the main menu display which is not specific to any particular program. In other words, *Thomas* discloses and/or suggests that a user must exit the interfaces having information which is specific to a particular

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<sup>4</sup> The remaining independent claims recite methods (claims 8 and 31) and computer program products (claim 28) which generally correspond to the method of claim 1. Accordingly, the discussion herein regarding claim 1 is equally applicable to each of the other claims in the application.

program and return to the initial, main menu (which is unaffiliated with any particular program) to search for videos.

Thus, in contrast to Applicant's invention, in which search functionality is embedded in the supplemental information interfaces containing supplemental information about a particular program, *Thomas* discloses that a viewer must exit such supplemental information interfaces to return to a main menu to find search functionality.

Accordingly, for at least these reasons as well as the others discussed during the interview, Applicant submits that the pending claims are distinguished over the art of record, and reconsideration is respectfully requested. In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney by telephone at (801) 533-9800.

Dated this 23<sup>rd</sup> day of January, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick D. Nydegger", written over a printed name.

RICK D. NYDEGGER  
Registration No. 28,651  
COLBY C. NUTTALL  
Registration No. 58,146  
Attorneys for Applicant  
Customer No. 047973